



PTO/SB/21 (03-03)

Approved for use through 04/30/2003. OMB 0651-0031

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	10/776,369
		Filing Date	02/10/2004
		First Named Inventor	Bret O. Bayham
		Art Unit	3739
		Examiner Name	
Total Number of Pages in This Submission	3	Attorney Docket Number	2380.007

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to a Technology Center (TC)
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<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
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<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
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<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
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<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual	Michael A. Slavin McHale & Slavin, P.A.
Signature	
Date	10/29/04

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICANT : Bret O. Baynham et al.
INVENTION: DYNAMIC CERVICAL PLATE
SERIAL NUMBER : 10/776,369
FILING DATE : February 10, 2004
EXAMINER: :
GROUP ART UNIT : 3739
ATTORNEY DOCKET NO. : 2380.007

CERTIFICATE UNDER 37 CFR §1.8(a)

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INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

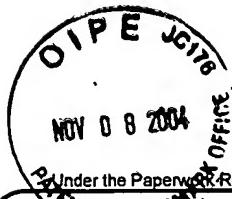
Pursuant to the Duty to Disclose under 37 CFR §1.56, the references cited on the accompanying form PTO/SB/08A are hereby brought to the attention of the Examiner for independent evaluation. Pursuant to the Official Gazette Notice dated August 5, 2003, Applicants are not required to submit copies of these references. The references were cited in the specification and their relevancy is set forth therein.

Applicants submit that the present invention is patentable over these references.

Date: 10/29/04

Respectfully Submitted,

Michael A. Slavin
Reg. No. 34,016
McHale & Slavin, P.A.
2855 PGA Boulevard
Palm Beach Gardens, FL 33410
Telephone: (561) 625-6575
Telefax: (561) 625-6572
e-mail: palmbeach@mspatents.com



PTO/SB/08A (08-03)

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Submit TRADEMARK FORM 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet

1

of

1

Complete if Known

Application Number	10/776,369
Filing Date	02/10/2004
First Named Inventor	Bret Baynham et al.
Art Unit	3739
Examiner Name	

Attorney Docket Number 2380.007

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (<i>if known</i>)			
		US- 2002/0188296	12/12/2002	G. Michelson	
		US- 2003/0060828	03/27/2003	G. Michelson	
		US- 2003/0130661	07/10/2003	S. Osman	
		US- 2004/0019353	01/29/2004	J. Freid et al.	
		US- 5,545,164	08/13/1996	R. Howland	
		US- 5,616,142	04/01/1997	H. Yuan et al.	
		US- 5,620,443	04/15/1997	S. Gertzbein et al.	
		US- 5,702,395	12/30/1997	C. Hopf	
		US- 6,017,345	01/25/2000	M. Richelsoph	
		US- 6,136,002	10/24/2000	C. Shih et al.	
		US- 6,402,756	06/11/2002	J. Ralph et al.	
		US- 6,689,134	02/10/2004	J. Ralph et al.	
		US-			

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (<i>if known</i>)				

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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